



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/747,730	12/29/2003	Fusasuke Gotoh	KAM 17.895A	2036

26304 7590 05/25/2005

KATTEN MUCHIN ROSENMAN LLP  
575 MADISON AVENUE  
NEW YORK, NY 10022-2585

EXAMINER
----------

JOYCE, WILLIAM C

ART UNIT	PAPER NUMBER
----------	--------------

3682

DATE MAILED: 05/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/747,730	Applicant(s) GOTOH, FUSASUKE	
	Examiner William C. Joyce	Art Unit 3682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2005.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 8-11 is/are pending in the application.
- 4a) Of the above claim(s) 9-11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 09/691,457.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Election/Restrictions*

1. Claims 9-11 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Group, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on March 24, 2005.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 8 is rejected under 35 U.S.C. 102(b) as being anticipated by Kajihara et al. (US Patent 5,607,240).

Kajihara et al. discloses (for example, see Figs 3 and 5) a ball bearing comprising an inner race having an outer peripheral surface formed with an inner-race track, an outer race having an inner peripheral surface formed with an outer-race track, a plurality of balls provided between the inner-race track and the outer-race track, a retainer for holding the balls, the retainer having a surface on one axial side thereof and inner and outer peripheral surfaces, and a seal plate opposing the surface on the one axial side of the retainer and having a surface on one axial side thereof and an outer peripheral edge attached to the inner peripheral surface of the outer race at an axial end

Art Unit: 3682

of the outer race and an inner peripheral edge in sliding contact with or close to the outer peripheral surface at an axial end of the inner race, the outer peripheral surface of the inner race having a radial inner shoulder portion adjacent the axial outer side of the inner-race track and having a diameter larger than the inner-race track so as to face the inner peripheral surface of the retainer such that a radial inner annular gap with a radial size is formed between the radial inner shoulder portion and the inner peripheral surface of the retainer, an annular gap being formed between the surface on the one axial side of the retainer and the surface on the one axial side of the seal plate, the inner peripheral surface of the outer race having a radial outer shoulder portion adjacent the axial outer side of the outer-race track and having a diameter smaller than the outer-race track so as to face the outer peripheral surface of the retainer such that a radial outer annular gap with a radial size is formed between the radial outer shoulder portion and the outer peripheral surface of the retainer, the annular gap between the surface on the one axial side of the retainer and the surface on the one axial side of the seal plate having a size at its inner periphery and an axial size at its radial middle portion, wherein provided that L1 is the radial size of the radial inner annular gap, that the L2 is the size of the annular gap at the inner periphery thereof, that L3 is the axial size at a radial middle portion of the annular gap, that L4 is the radial size of the radial outer annular gap, and that D4 is the diameter of the balls, the following relations are satisfied;  $L1 \leq L2 \leq L3$ ;  $1.5L1 \leq L3$  or  $0.09D4 \leq L3$ ; and  $L1 \leq L4$ .

Art Unit: 3682

4. Claim 8 is rejected under 35 U.S.C. 102(b) as being anticipated by Yasui et al. (US Patent 4655617).

Yasui et al. discloses (for example, see Fig 4) a ball bearing comprising an inner race having an outer peripheral surface formed with an inner-race track, an outer race having an inner peripheral surface formed with an outer-race track, a plurality of balls provided between the inner-race track and the outer-race track, a retainer for holding the balls, the retainer having a surface on one axial side thereof and inner and outer peripheral surfaces, and a seal plate opposing the surface on the one axial side of the retainer and having a surface on one axial side thereof and an outer peripheral edge attached to the inner peripheral surface of the outer race at an axial end of the outer race and an inner peripheral edge in sliding contact with or close to the outer peripheral surface at an axial end of the inner race, the outer peripheral surface of the inner race having a radial inner shoulder portion adjacent the axial outer side of the inner-race track and having a diameter larger than the inner-race track so as to face the inner peripheral surface of the retainer such that a radial inner annular gap with a radial size is formed between the radial inner shoulder portion and the inner peripheral surface of the retainer, an annular gap being formed between the surface on the one axial side of the retainer and the surface on the one axial side of the seal plate, the inner peripheral surface of the outer race having a radial outer shoulder portion adjacent the axial outer side of the outer-race track and having a diameter smaller than the outer-race track so as to face the outer peripheral surface of the retainer such that a radial outer annular gap with a radial size is formed between the radial outer shoulder portion and the outer

Art Unit: 3682

peripheral surface of the retainer, the annular gap between the surface on the one axial side of the retainer and the surface on the one axial side of the seal plate having a size at its inner periphery and an axial size at its radial middle portion, wherein provided that L1 is the radial size of the radial inner annular gap, that the L2 is the size of the annular gap at the inner periphery thereof, that L3 is the axial size at a radial middle portion of the annular gap, that L4 is the radial size of the radial outer annular gap, and that D4 is the diameter of the balls, the following relations are satisfied;  $L1 \leq L2 \leq L3$ ;  $1.5L1 \leq L3$  or  $0.09D4 \leq L3$ ; and  $L1 \leq L4$ .

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William C. Joyce whose telephone number is (571) 272-7107. The examiner can normally be reached on Monday - Thursday 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bucci can be reached on (571) 272-7099. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*William C. Joyce* 5/23/05  
WILLIAM C. JOYCE  
PRIMARY EXAMINER